

AMENDMENT NO. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-19-102, is amended by adding a new item thereto, as follows:

( ) "Orthopaedic physician's assistant" (opa-c) means an individual who renders service under the supervision of a licensed orthopaedic physician or surgeon and who has been certified by the committee on physician assistants and the board of medical examiners pursuant to this chapter as an orthopaedic physician's assistant.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 19, is amended by adding sections 3 through 12 as a new part thereto.

SECTION 3. (a) Certified orthopaedic physician's assistants shall be under the jurisdiction of the committee on physician assistants, created by Tennessee Code Annotated, Section 63-19-103, and the board of medical examiners.

(b) The committee on physician assistants has the duty to:

(1) Promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of the duties of orthopaedic physician's assistants, including but not limited to rules which specify the acts and offenses which subject the certificate holder to disciplinary action by the committee pursuant to subdivision (b)(7);

(2) Set fees relative to the examination, certification, and certification renewal of orthopaedic physician's assistants in an amount sufficient to pay all of the expenses

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of the committee as well as all of the expenses of the board which are directly attributable to the performance of its duties pursuant to the provisions of this part, and to establish and collect a late renewal fee from those orthopaedic physician's assistants who fail to renew their certifications in a timely manner;

(3) Review and approve or reject the qualifications of each applicant for initial certification as an orthopaedic physician's assistant;

(4) Biennially review and approve or reject the qualifications of each applicant for biennial certification renewal. The committee shall condition approval for renewal on the receipt of evidence satisfactory to the committee of the applicant's successful completion of sixty (60) hours of continuing medical education approved by the American Medical Association or other appropriate professional association;

(5) Issue, in the board's name, all approved orthopaedic physician's assistant certificates and renewals;

(6) Collect or receive all fees, fines and moneys owed pursuant to the provisions of this part and pay the same into the general fund of the state. For the purpose of implementing subdivision (b)(2), all fees, fines and moneys collected pursuant to the regulation of orthopaedic physician's assistants shall be so designated; and

(7) Deny, suspend or revoke the certificate of, or otherwise discipline by a fine not to exceed five hundred dollars (\$500), or by reprimand, a certificate holder who

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is guilty of violating any provisions of this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (b)(1).

(c) The governor shall appoint one (1) certified orthopaedic physician's assistant to serve as a voting member of the committee on physician assistants with regard to all matters which pertain to orthopaedic physician's assistants. Each person appointed to this seat on the committee shall serve a term of four (4) years and shall be eligible for re-appointment. A vacancy in this position shall be filled for the balance of the unexpired term.

(d) Any actions taken under this section shall only be effective after adoption by majority vote of the members of the committee on physician assistants and after adoption by a majority vote of the members of the board of medical examiners at the next board meeting at which administrative matters are considered following the adoption by the committee.

SECTION 4. (a) No person shall hold himself or herself out or function as an orthopaedic physician's assistant unless he or she holds a valid orthopaedic physician's assistant certificate issued by the board.

(b) The board shall certify no person as an orthopaedic physician's assistant unless:

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(1) The person is a graduate of an orthopaedic physician's assistant training program deemed adequate by the committee on physician assistants and the board of medical examiners; and

(2) The person has successfully completed the examination of the National Board for Certification of Orthopaedic Physician's Assistants.

(3) Alternatively to the requirements of subdivision (b)(1) and (2), the person may be certified as an orthopaedic physician's assistant if the person has successfully completed the examination of the National Board for Certification of Orthopaedic Physician's Assistants and was performing services as an orthopaedic physician's assistant in this state on the date this act becomes effective.

(c) The board or the committee may require that an applicant for certification as an orthopaedic physician's assistant appear before the board or the committee to answer any questions regarding the applicant's fitness for certification.

SECTION 5. (a) A certified orthopaedic physician's assistant is authorized to perform services only under the supervision of a licensed orthopaedic physician or surgeon within the specialty of orthopaedic medicine and surgery.

(b) Supervision of the certified orthopaedic physician's assistant shall require active and continuous overview by the supervising physician to ensure that the physician's directions, orders, and advice are in fact being implemented, but does not require the constant physical presence of the supervising physician. The supervising

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physician shall, however, make a personal review of historical, physical, and therapeutic data on all patients and their condition and so certify by personal signature in a timely manner.

SECTION 6. (a) The certified orthopaedic physician's assistant shall function in accordance with written policies and procedures involving management of care which have been established by the supervising physician and the orthopaedic physician's assistant.

(b) With respect to follow-up care rendered in a clinic, hospital, nursing home, or patient's home, and in similar situations where a therapeutic regimen, policy, or protocol has been established by the supervising physician, the certified orthopaedic physician's assistant may check and record the patient's progress within the confines of the written regimen, policy, or protocol, and report the patient's progress and changes to the physician after each visit. When a new problem arises, the supervising physician shall undertake personal review of the patient's problem or complaint.

(c) The orthopaedic physician's assistant may render emergency services in accordance with guidelines previously established by the supervising physician pending the arrival of a responsible physician in cases where immediate diagnosis and treatment are necessary to avoid disability or death.

SECTION 7. A licensed orthopaedic physician or surgeon who is supervising orthopaedic physician's assistants shall comply with the following practices:

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- (a) No one supervising orthopaedic physician or surgeon shall supervise more than two (2) certified orthopaedic physician's assistants at any one time;
- (b) More than one orthopaedic physician or surgeon may supervise the same certified orthopaedic physician's assistant;
- (c) The supervising orthopaedic physician or surgeon shall designate one or more alternate orthopaedic physicians or surgeons who have agreed to accept the responsibility of supervising the orthopaedic physician's assistant on a prearranged basis in the absence of the supervising orthopaedic physician or surgeon;
- (d) The certified orthopaedic physician's assistant shall render services and care commensurate with his or her education, training, and experience;
- (e) The certified orthopaedic physician's assistant shall not make any definitive diagnosis or prescribe any treatment program independent of the supervising physician;
- (f) Pre-signed prescriptions shall not be used by the certified orthopaedic physician's assistant. Medications dispensed by the certified orthopaedic physician's assistant shall be approved by the supervising physician; and
- (g) The patient of any physician receiving services from a certified orthopaedic physician's assistant shall be fully informed that the individual is a certified orthopaedic physician's assistant and/or a sign shall be conspicuously placed within the

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office of the physician indicating that certain services may be rendered by a certified orthopaedic physician's assistant.

SECTION 8. Any certified orthopaedic physician's assistant rendering services inconsistent with this part shall be considered to be practicing medicine without a license and shall be subject to appropriate legal action by the board of medical examiners.

SECTION 9. When a licensed orthopaedic physician or surgeon utilizes the services of a certified orthopaedic physician's assistant inconsistent with this part, it shall constitute grounds for a finding of unprofessional conduct, and the physician shall be subject to disciplinary action by the board of medical examiners. Such disciplinary action may include, but is not limited to, the suspension of privileges to utilize a certified orthopaedic physician's assistant or the revocation or suspension of the license of the orthopaedic physician or surgeon.

SECTION 10. (a) Nothing in this part shall be construed to modify or supersede any existing laws or rules pertaining to any other allied health professionals, professions, or services.

(b) Nothing in this part shall permit a certified orthopaedic physician's assistant to:

(1) Practice chiropractic or analyze or palpate the articulations of the spinal column for the purposes of giving a spinal adjustment; or

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(2) Measure the powers or range of human vision, or determine the refractive state of the human eye or the scope of its functions in general, or prescribe or direct the use of ophthalmic lenses or prisms to remedy or relieve defects of vision or muscular anomalies, or prescribe or fit or adapt contact lenses to or for the human eye.

(c) The provisions of this part shall not apply to other physician extenders, physician assistants, family nurse practitioners, registered nurses, licensed practical nurses, technologists, technicians, and other assistants or employees that perform delegated services in a medical setting.

SECTION 11. Any person certified by the board as an orthopaedic physician's assistant who has retired from such practice in this state shall not be required to biennially renew such person's certificate as required by this part, if such person files an affidavit on a form furnished by the board. Such affidavit shall state the date on which the person retired from practice and any other information deemed necessary by the board. If such person decides to reengage in practice in this state, such person shall apply for certification as provided by this part and shall not be liable for payment of certification renewal fees which accrued during the period of retirement.

SECTION 12. Any person who holds a valid certificate from the board of medical examiners under this part may use the title "orthopaedic physician's assistant" or the abbreviation "opa-c" or "opa", but such person shall not use the title "physician assistant" or the abbreviation "PA" or "PA-C".



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SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.